



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

DEC 3 2002

The Honorable Barbara Lee
Member, U.S. House of Representatives
1301 Clay Street, Suite 100N
Oakland, CA 94612

Dear Ms. Lee:

Thank you for the letters of July 8, and September 27, 2002, regarding the status of the citizen petition that your constituent, Mr. Avi Klammer, filed with the Food and Drug Administration (FDA or the Agency). Mr. Klammer's petition requested that FDA amend its regulations to require an expiration date on the label of all food products sold in the United States.

Because your July 8, 2002, letter was addressed to the Dockets Management Branch and referenced the docket number of the petition, it was processed as a comment to Mr. Klammer's petition. We regret the lack of response to your first letter and hope that the following information is helpful.

As mentioned in FDA's letter of October 1, 2002, to Mr. Klammer (copy enclosed), the Agency was not able to reach a decision on his petition within the first 180 days of its receipt because of other Agency priorities and limited availability of resources.

As you may know, the laws and regulations enforced by FDA do not require expiration date labeling for foods, with the exception of infant formula. This information is sometimes required by State or local authorities and is sometimes provided voluntarily by the manufacturer. Since the shelf life of food products is affected by many factors, such as storage temperatures and handling, a date provided on the label would not necessarily be informative, as it could not account for these factors. Dates printed on food packages refer to the quality rather than the safety of the product. We have enclosed additional information about this issue that may be helpful.

Thank you for contacting us concerning this matter. If you have further questions, please let us know.

Sincerely,

for Amit K. Sachdev
Associate Commissioner
for Legislation

Enclosures

02P-0166

LET 3

BARBARA LEE

9TH DISTRICT, CALIFORNIA

COMMITTEES

FINANCIAL SERVICES

Subcommittee on
Housing and Community Opportunity

Subcommittee on
International Monetary Policy and Trade

INTERNATIONAL RELATIONS

Subcommittee on Africa

Subcommittee on Europe



Congress of the United States
House of Representatives
Washington, DC 20515-0509

REPLY TO OFFICE CHECKED

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September 27, 2002

Congressional Liaison
U.S. Food and Drug Administration
Dockets Management Branch
5600 Fishers Lane, Room 1061 HFA-305
Rockville, MD 20852

Dear Sir or Madam:

I have not received a response to my inquiry dated July 8, 2002 on behalf of my constituent, Avi Klammer, regarding a petition he filed that would cause the FDA to require expiration dates on canned food.

Please respond to my Staff Assistant, Ziv Tzvieli, in my Oakland district office, as soon as possible so that I may contact Mr. Klammer with the status of this case.

Your immediate attention to this matter is most appreciated.

Sincerely,

Barbara Lee
Member of Congress

BL:zt

02P-0166

LET 1

BARBARA LEE

9TH DISTRICT, CALIFORNIA

COMMITTEES:

FINANCIAL SERVICES

Subcommittee on

Housing and Community Opportunity

Subcommittee on

International Monetary Policy and Trade

INTERNATIONAL RELATIONS

Subcommittee on Africa

Subcommittee on Europe



**Congress of the United States
House of Representatives
Washington, D.C. 20515-0509**

July 8, 2002

REPLY TO OFFICE CHECKED

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Congressional Liaison
U.S. Food and Drug Administration
Dockets Management Branch
5600 Fishers Lane-Room 1061-HFA-305
Rockville, MD 20852

RE: Docket Number 02P-0166/CP1

Dear Sir or Madam:

My constituent, Mr. Avi Klammer, has requested my assistance regarding a petition he filed with the Food and Drug Administration, referenced above. Enclosed, please find information which explains the situation.

Mr. Klammer is eager to see business practices changed so that canned food is more thoroughly regulated. Specifically, he finds that canned foods are not regularly labeled with expiration dates, allowing for less than fresh, and potentially hazardous, food to be sold to consumers. Mr. Klammer states that he himself once fell victim to food poisoning because of this lack of regulation. At this time, Mr. Klammer wonders as to the status of his petition.

I would appreciate it if you would investigate and comment on these concerns at your earliest opportunity. Please forward your correspondence in care of my Staff Assistant, Amber Maltbie, in my Oakland district office.

Thank you for your attention to this matter.

Sincerely,

Barbara Lee
Barbara Lee
Member of Congress

BL:am
Enclosure